

JIMMIE R. WILLIAMS, )  
)  
Plaintiff, )  
)  
v. ) No. 4:13CV1048 SNLJ  
)  
CAROLYN W. COLVIN, )  
Commissioner of Social Security, )  
)  
Defendant. )

This matter is before the Court on plaintiff's submission of a complaint under the Social Security Act, 42 U.S.C. § 405(g). The Court will summarily dismiss the action for lack of jurisdiction under Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Plaintiff has submitted the decision of the Social Security Administration Appeals Council that he wishes to appeal. The Appeals Council found that plaintiff was a proper class member under Clark v. Astrue, No. 06-CV-15521 (S.D.N.Y. 2012). As such, the Appeals Council vacated part of the ALJ's ruling below and remanded the case to the local Social Security office for a revised decision. Therefore, the Appeals Council's decision is not a "final" ruling on plaintiff's benefits, and this Court lacks jurisdiction to hear this action under 42 U.S.C. § 405(g).

The Court previously directed plaintiff to show cause why this action should not be dismissed for lack of jurisdiction. Plaintiff's response did not address the issue of jurisdiction or show any reason why the case should not be dismissed. Therefore, this action will be dismissed without further proceedings. See Fed. R. Civ. P. 12(h)(3).

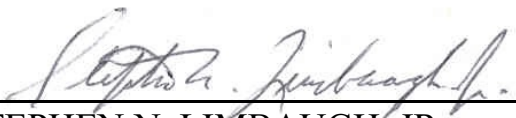
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [Doc. 2] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 26th day of June, 2013.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE